



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

वीरवार, 04 फरवरी, 2021 / 15 माघ, 1942

हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 91 / 2020—राज्य कर

शिमला—2, 13 जनवरी, 2021

सं० ई.एक्स.एन.—एफ.(10)—4 / 2020—वाल—1.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 168क के साथ पठित एकीकृत माल और सेवा कर अधिनियम, 2017(2017 का 13)

की धारा 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, परिषद् की सिफारिशों पर, हिमाचल सरकार की अधिसूचना संख्या 35/2020—राज्य कर दिनांक 23 जून, 2020, जो हिमाचल प्रदेश के राजपत्र में संख्या ई.एक्स.एन.—एफ.(10)—4/2020 के तहत दिनांक 24 जून, 2020 को प्रकाशित हुई थी, में निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना के पहले अनुच्छेद के खंड (i) के परंतुक में,—

- (i) “नवंबर, 2020 के 29वें” अंकों और शब्दों के स्थान पर “मार्च, 2021 के 30वें” अंक और शब्द रखे जाएंगे;
- (ii) “नवंबर, 2020 के 30वें” अंकों और शब्दों के स्थान पर “मार्च, 2021 के 31वें” अंक और शब्द रखे जाएंगे।

2. इस अधिसूचना को दिसंबर, 2020 के पहले दिन से लागू माना जाएगा।

आदेश द्वारा,
हस्ताक्षरित/—
(जगदीश चन्द्र शर्मा),
प्रधान सचिव (आबकारी एवं कराधान)।

टिप्पणी.— मूल अधिसूचना सं0 35/2020—राज्य कर, दिनांक 23 जून, 2020 जो कि हिमाचल प्रदेश के राजपत्र में संख्या ई0एक्स0एन0—एफ(10)—4/2020, दिनांक 24 जून 2020, को प्रकाशित की गई थी और अधिसूचना सं0 65/2020—राज्य कर, दिनांक 24 नवंबर, 2020 जो कि हिमाचल प्रदेश के राजपत्र में संख्या ई0एक्स0एन0—एफ(10)—15/2020, दिनांक 25 नवंबर, 2020, को प्रकाशित की गई थी, द्वारा अंतिम संशोधन किया गया था।

[Authoritative English text of this Department Notification No. EXN-F(10)-4/2020-Vol-I dated 13-01-2021 as required under clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT

Notification No. 91/2020-State Tax

Shimla-2, the 13th January, 2021

No. EXN-F(10)-4/2020-Vol-I.—In exercise of the powers conferred by section 168A of the Himachal Pradesh Goods and Services Tax Act, 2017 (10 of 2017), read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Governor of Himachal Pradesh, on the recommendations of the Council, is pleased to make the following further amendment in the notification of the Government of Himachal Pradesh, No. 35/2020-State Tax, dated the 23rd June, 2020, published in the Gazette of Himachal Pradesh, *vide* number EXN-F(10)-4/2020 dated 24th June, 2020, namely:—

In the said notification, in the first paragraph, in the proviso to clause (i),—

- (i) for the words, figures and letters “29th day of November, 2020”, the words, figures and letters “30th day of March, 2021” shall be substituted.
- (ii) for the words, figures and letters “30th day of November, 2020”, the words, figures and letters “31st day of March, 2021” shall be substituted.

2. This notification shall be deemed to have come into force with effect from 1st day of December, 2020.

By order,
Sd/-
(Jagdish Chander Sharma),
Principal Secretary (E&T).

Note.—The principal notification No. 35/2017-State Tax dated the 23rd June, 2020, published in the Gazette of Himachal Pradesh vide number EXN-F(10)-4/2020 dated the 24th June, 2020 and was last amended by notification No. 65/2020-State Tax, dated the 24th November, 2020, published in the Gazette of Himachal Pradesh vide number EXN-F(10)15/2020, dated the 25th November, 2020.

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 92/2020—राज्य कर

शिमला—2, 13 जनवरी, 2021

सं० ई.एक्स.एन.—एफ.(10)—4/2020—वाल—1.—हिमाचल प्रदेश माल और सेवा कर (संशोधन) अधिनियम, 2020 (2020 का 12) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, 01 जनवरी, 2021 को उस तारीख के रूप में नियत करते हैं, जिस तारीख को उक्त अधिनियम की धारा 3, 4, 5, 6, 7, 8, 9, 10 और 14 के उपबंध प्रवृत्त होंगे।

आदेश द्वारा,
हस्ताक्षरित /—
(जगदीश चन्द्र शर्मा),
प्रधान सचिव (आबकारी एवं कराधान)।

[Authoritative English text of this Department Notification No. EXN-F(10)-4/2020-Vol-I dated 13-01-2021 as required under clause (3) of Article 348 of the Constitution of India.]

EXCISE AND TAXATION DEPARTMENT

Notification No. 92/2020-State Tax

Shimla-2, the 13th January, 2021

No. EXN-F(10)-4/2020-Vol-I.—In exercise of the powers conferred by sub-section (2) of section 1 of the Himachal Pradesh Goods and Services Tax (Amendment) Act, 2020 (12 of 2020), (hereinafter referred to as the said Act), the Governor of Himachal Pradesh is pleased to appoint the 1st day of January, 2021, as the date on which the provisions of sections 3, 4, 5, 6, 7, 8, 9, 10 and 14 of the said Act shall come into force.

By order,
Sd/-
(Jagdish Chander Sharma),
Principal Secretary (E&T).

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 94/2020—राज्य कर

शिमला—2, 13 जनवरी, 2021

सं0 ई.एक्स.एन.—एफ.(10)—4/2020—वाल—1.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2017 का 10) की धारा 164 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, परिषद् की सिफारिशों पर, हिमाचल प्रदेश माल और सेवा कर नियम, 2017 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश माल और सेवा कर (चौदहवां संशोधन) नियम, 2020 है।

(2) अन्यथा उपबंधित के सिवाय, ये नियम राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. हिमाचल प्रदेश माल और सेवा कर नियम, 2017 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है), के नियम 8 में, उपनियम (4क) के स्थान पर, अधिसूचना की तारीख से प्रभावी होने के साथ, निम्नलिखित उपनियम को प्रतिस्थापित किया जाएगा, अर्थात्:—

“(4क) नियम (4) के अधीन दिए जाने वाले प्रत्येक आवेदन के पश्चात्, आवेदक का जहां आवेदक कोई व्यक्ति है अथवा जहां आवेदक कोई व्यक्ति नहीं है वहां धारा 25 की उपधारा (6क) के अंतर्गत यथा अधिसूचित आवेदक के संबंध में आने वाले ऐसे व्यक्तियों का:—

(क) बायोमैट्रिक आधारित आधार सत्यापन और फोटोग्राफ लिया जाएगा, यदि उसे धारा 25 की उपधारा (6घ) के अधीन छूट प्राप्त न हो और यदि उसने अपने आधार संख्या के अभिप्रमाणन का विकल्प दिया हो तो; या

(ख) यथा अधिसूचित बायोमैट्रिक सूचना, फोटोग्राफ लिया जाएगा और ऐसे अन्य केवाईसी कागजात का सत्यापन किया जाएगा, यदि उसे धारा 25 की उपधारा (6घ) के अधीन छूट प्राप्त न हो और यदि उसने आधार का अभिप्रमाणन का विकल्प नहीं चुना है, और साथ ही प्ररूप जीएसटी आरईजी-01 में दिए गए आवेदन के साथ अपलोड किए गए दस्तावेजों की मूल प्रतियों का, इस उपनियम के प्रयोजनों के लिए आयुक्त के द्वारा अधिसूचित किसी सुविधा केन्द्र में, सत्यापन किया जाएगा और ऐसे आवेदन को तभी पूरा माना जाएगा जब इस उपनियम के अधीन निर्धारित प्रक्रिया पूरी हो जाती है।”

3. उक्त नियम में, नियम 9 में,—

(क) उपनियम (1) में—

(i) “आवेदक को आवेदन प्रस्तुत करने की तारीख से” शब्दों के पश्चात् “तीन” शब्द के स्थान पर “सात” शब्द को प्रतिस्थापित किया जाएगा;

(ii) परंतुक के स्थान पर, निम्नलिखित परंतुक को प्रतिस्थापित किया जाएगा, अर्थात्:—

“परंतु जहां—

(क) कोई व्यक्ति, जो कि धारा 25 का उपधारा (6घ) के अधीन अधिसूचित व्यक्ति से भिन्न हो, नियम 8 के उपनियम (4क) में यथाविनिर्दिष्ट आधार संख्या के सत्यापन से चूक जाता है या आधार संख्या के सत्यापन का विकल्प का चयन नहीं करता है; या

(ख) समुचित अधिकारी, आयुक्त के द्वारा प्राधिकृत किसी ऐसे अधिकारी के अनुमोदन से जो कि सहायक आयुक्त से निम्न पद का न हो, कारोबार के स्थान का प्रत्यक्ष सत्यापन कराया जाना उचित समझता है तो, नियम 25 के अधीन दी गई रीति से, उक्त व्यक्ति की उपस्थिति में कारोबार के स्थान का प्रत्यक्ष सत्यापन कराये जाने के पश्चात् तथा जैसा उचित अधिकारी उचित समझे ऐसे कागजातों का सत्यापन किए जाने के पश्चात्, आवेदन को प्रस्तुत किये जाने की तारीख से तीस दिनों के भीतर रजिस्ट्रीकरण प्रदान किया जाएगा।”;

(ख) उपनियम (2) में,—

(i) “तीन” शब्द के स्थान पर “सात” शब्द को प्रतिस्थापित किया जाएगा;

(ii) परंतुक के स्थान पर निम्नलिखित परंतुक को प्रतिस्थापित किया जाएगा, अर्थात्:—

“परंतु जहां—

(क) कोई व्यक्ति, जो कि धारा 25 का उपधारा (6घ) के अधीन अधिसूचित व्यक्ति से भिन्न हो, नियम 8 के उपनियम (4क) में यथाविनिर्दिष्ट आधार संख्या का सत्यापन से चूक जाता है या आधार संख्या के सत्यापन का विकल्प का चयन नहीं करता है; या

(ख) समुचित अधिकारी, आयुक्त के द्वारा प्राधिकृत किसी ऐसे अधिकारी के अनुमोदन से जो कि सहायक आयुक्त से निम्न पद का न हो, कारोबार के स्थान का प्रत्यक्ष सत्यापन कराया जाना उचित समझता है तो, ऐसे आवेदन के प्रस्तुत किए जाने की तारीख से अधिकतम तीस दिनों के भीतर प्ररूप जीएसटी आरईजी -03 में नोटिस जारी किया जा सकेगा।”;

(ग) उपनियम (5) के स्थान पर, निम्नलिखित उपनियम को प्रतिस्थापित किया जाएगा, अर्थात् :—

“(5) यदि समुचित अधिकारी कोई कार्यवाही करने से चूक जाता है,—

(क) आवेदन को प्रस्तुत किये जाने की तारीख से सात कार्य दिवस की अवधि के भीतर उस मामले में जहां कि ऐसा व्यक्ति उपनियम (1) के परंतुक के अंतर्गत नहीं आता है तो; या

(ख) आवेदन को प्रस्तुत किये जाने की तारीख से तीस दिनों की अवधि के भीतर जहां ऐसा व्यक्ति उपनियम (1) के परंतुक के अंतर्गत आता है तो; या

(ग) उपनियम (2) के अंतर्गत आवेदक के द्वारा प्रस्तुत किये गए स्पष्टीकरण, जानकारी या दस्तावेज की प्राप्ति की तारीख से सात कार्य दिवस के अवधि के भीतर तो, रजिस्ट्रीकरण प्रदान किए जाने के आवेदन को अनुमोदित हुआ समझा जाएगा।”

4. उक्त नियम में, नियम 21 में,—

(क) खण्ड (ख) में, “माल या सेवाओं” शब्द के पश्चात् “या दोनों” शब्द को अंतः स्थापित किया जाएगा,

(ख) खण्ड (घ) के पश्चात्, निम्नलिखित खण्डों को अंतः स्थापित किया जाएगा, अर्थात् :—

“(ड) धारा 16 और इसके अंतर्गत बनाए गए नियमों के उपबंधों के अतिक्रमण में इनपुट कर प्रतय्य का लाभ प्राप्त करता है; या

(च) धारा 37 के अधीन प्ररूप जीएसटीआर- 1 में एक या एक से अधिक कर अवधि के लिए प्रस्तुत किए गए जावक प्रदायों के ब्योरे उसके द्वारा संबन्धित कर अवधियों के लिए धारा

39 के अधीन प्रस्तुत की गई विवरणी में घोषित किए गए जावक प्रदायों के ब्योरे से अधिक है; या

(छ) नियम 86ख के प्रावधानों का उल्लंघन करता है।”

5. उक्त नियम में, नियम 21क में, —

(क) उपनियम (2) में, “उक्त व्यक्ति को सुनवाई का यथोचित अवसर दिये जाने के पश्चात्” शब्दों का लोप कर दिया जाएगा;

(ख) उपनियम (2) के पश्चात्, निम्नलिखित उपनियम क अंतः स्थापित किया जाएगा:—

“(2क) जहां, धारा 39 के अधीन किसी रजिस्ट्रीकृत व्यक्ति द्वारा प्रस्तुत की गयी विवरणों की तुलना (क) प्ररूप जीएसटीआर-1 में प्रस्तुत किए गए जावक प्रदायों के ब्योरे; या

(ख) उसके आपूर्तिकर्ता के द्वारा उनके प्ररूप जीएसटीआर-1 में प्रस्तुत किए गए जावक प्रदायों के ब्योरे के आधार पर निष्कर्षित आवक प्रदायों के ब्योरे, या ऐसे अन्य विश्लेषण, जो परिषद् की सिफारिशों पर किए जा सकेंगे, करने पर यह पता चलता हो कि ऐसी महत्वपूर्ण अंतर या विसंगतियां हैं जो अधिनियम के उपबंधों या इसके अंतर्गत बनाए गए नियमों के उल्लंघन को दर्शाता है, जिससे उक्त व्यक्ति का रजिस्ट्रीकरण रद्द किया जा सकता हो, तो उसके रजिस्ट्रीकरण को निलंबित कर दिया जाएगा और ऐसे व्यक्ति को, उक्त अंतर और विसंगतियों को दर्शाते हुए, सामान्य पार्टल पर, इलेक्ट्रॉनिक माध्यम से, प्ररूप जीएसटी आरईजी-31 में या रजिस्ट्रीकरण के समय दिए गए ई-मेल पते, या समय-समय पर संशोधित पते पर, इसके बारे में सूचित कर दिया जाएगा और उसे तीस दिनों के भीतर यह स्पष्ट करने के लिए कहा जाएगा कि उसके रजिस्ट्रीकरण को रद्द क्यों न किया जाए।”;

(ग) उपनियम (3) में, “या उपनियम (2)” शब्द कोष्ठक और अंक के पश्चात् “या उपनियम (2क)” शब्द कोष्ठक, अंक और अक्षर को अंतः स्थापित किया जाएगा;

(घ) उपनियम (3) के पश्चात् निम्नलिखित उपनियम को अंतः स्थापित किया जाएगा, अर्थात् :—

“(3क) ऐसे किसी रजिस्ट्रीकृत व्यक्ति को, जिसका रजिस्ट्रीकरण उपनियम (2) या उपनियम (2क) के अधीन निलंबित कर दिया गया हो, उसके रजिस्ट्रीकरण के निलंबित रहने के अवधि के दौरान, धारा 54 के अधीन कोई भी प्रतिदाय नहीं किया जाएगा।”;

(ङ) उपनियम (4) में, —

(i) “या उपनियम (2)” शब्द कोष्ठक और अंक के पश्चात् “या उपनियम (2क)” शब्द, कोष्ठक, अंक और अक्षर को अंतः स्थापित किया जाएगा;

(ii) निम्नलिखित परंतुक को अंतः स्थापित किया जाएगा, अर्थात् :—

“परंतु इस नियम के अधीन रजिस्ट्रीकरण के निलंबन को समुचित अधिकारी प्रतिसंहरण कर सकता है, रद्दीकरण की प्रक्रिया के लंबित रहने के दौरान किसी भी समय यदि वह उचित समझता है तो।”.

6. उक्त नियम में, नियम 22 में,—

(क) उपनियम (3) में, “उपनियम (1) के अधीन जारी किया गया कारण बताओ नोटिस” शब्द, कोष्ठक और अंक के पश्चात् “या नियम 21क के उपनियम (2क) के अधीन” शब्द, कोष्ठक, अंक और अक्षर को अंतः स्थापित किया जाएगा;

- (ख) उपनियम (4) में, "उपनियम (2) के अधीन प्रस्तुत किया गया उत्तर" शब्द कोष्ठक और अंक के पश्चात् "या नियम 21क के उपनियम (2क) के अधीन जारी नोटिस के उत्तर में" शब्द कोष्ठक, अंक और अक्षर को अंतः स्थापित किया जाएगा।

7. उक्त नियम में, नियम 36 में, उपनियम (4) में, 01 जनवरी, 2021 से प्रभावी, —

- (क) दोनों जगह जहां—जहां भी "अपलोडेड" शब्द का उपयोग हुआ है वहां—वहां इसके स्थान पर "प्रस्तुत" शब्द को प्रतिस्थापित किया जाएगा;
- (ख) दोनों ही जगहों पर जहां—जहां धारा 37 की उपधारा (1) के अधीन प्रदायकर्ताओं के द्वारा" शब्द, कोष्ठक और अंक का उपयोग हुआ है वहां—वहां इनके पश्चात् "प्ररूप जीएसटीआर-1 में या बीजक प्रस्तुत करने की सुविधा की उपयोग करते हुए" शब्द, अक्षर और अंक को अंतः स्थापित किया जाएगा;
- (ग) "10 प्रतिशत" अंक और शब्द के स्थान पर "5 प्रतिशत" अंक और शब्द को प्रतिस्थापित किया जाएगा।

8. उक्त नियम में, नियम 59 में, उपनियम (4) के पश्चात्, निम्नलिखित उपनियम को प्रतिस्थापित किया जाएगा, अर्थात् :—

"(5) इस नियम में किसी भी बात के होते हुए भी,—

- (क) यदि किसी रजिस्ट्रीकृत व्यक्ति ने पिछले दो महीने के लिए प्ररूप जीएसटीआर- 3ख में विवरणी प्रस्तुत नहीं की है तो उसे धारा 37 के अधीन प्ररूप जीएसटीआर-1 में अपने माल या सेवाओं या दोनों की जावक आपूर्तियों के ब्योरे प्रस्तुत करने की अनुमति नहीं होगी।
- (ख) ऐसे किसी रजिस्ट्रीकृत व्यक्ति को , जिसे धारा 39 की उपधारा (1) के परंतुक के अधीन हर तिमाही का रिटर्न भरना जरूरी हो, धारा 37 के अंतर्गत प्ररूप जीएसटीआर-1 में या बीजक प्रस्तुत करने की सुविधा का उपयोग करके अपने माल या सेवाओं या दोनों की जावक आपूर्तियों के ब्योरे प्रस्तुत करने की अनुमति नहीं होगी, यदि उसने पिछली कर अवधि के लिए प्ररूप जीएसटीआर- 3ख में विवरणी प्रस्तुत नहीं की है।
- (ग) ऐसे किसी रजिस्ट्रीकृत व्यक्ति को , जिस पर नियम 86ख के अधीन यह प्रतिबंध हो कि 99 प्रतिशत से अधिक देय कर का भुगतान करने के लिए वह अपने इलेक्ट्रॉनिक लेजर में उपलब्ध राशि का उपयोग नहीं कर सकता है, धारा 37 के अंतर्गत प्ररूप जीएसटीआर-1 में या बीजक प्रस्तुत करने की सुविधा का उपयोग करके अपने माल या सेवाओं या दोनों की जावक आपूर्तियों के ब्योरे प्रस्तुत करने की अनुमति नहीं होगी, यदि उसने पिछली कर अवधि के लिए प्ररूप जीएसटीआर-3ख में विवरणी प्रस्तुत नहीं की है।

9. उक्त नियम में 86क के पश्चात् 01 जनवरी, 2021 से निम्नलिखित नियम को अतः स्थापित किया जाएगा, अर्थात्:—

"86ख. इलेक्ट्रॉनिक लेजर में उपलब्ध रकम के उपयोग पर प्रतिबंध.—इन नियमों में किसी भी बात के होते हुए भी, रजिस्ट्रीकृत व्यक्ति उन मामलों में ऐसी कराधेयता के 99 प्रतिशत से अधिक उत्पाद कर के लिए अपनी देयता के निष्पादन हेतु इलेक्ट्रॉनिक क्रेडिट लेजर में उपलब्ध राशि का इस्तेमाल नहीं करेगा जहां छूट आपूर्ति तथा शून्य दर वाली आपूर्ति से भिन्न कराधेय आपूर्ति का मूल्य एक माह में पचास लाख रुपये से अधिक है:

परंतु उक्त प्रतिबंध वहां नहीं लागू होगा जहां—

- (क) यथास्थिति उक्त व्यक्ति अथवा स्वामी अथवा कर्ता अथवा प्रबंध निदेशक अथवा इसके दो साझीदारों में से कोई एक, पूर्णकालिक निदेशक, संघों की प्रबंध समिति के सदस्य अथवा बोर्ड

- न्यासी, ने विगत दो वित्तीय वर्षों में से प्रत्येक में आयकर अधिनियम, 1961 (1961 का 43) के अधीन आय के रूप में एक लाख रुपये से अधिक का भुगतान किया है जिसके लिए उक्त अधिनियम की धारा 139 की उपधारा (1) के अधीन आयकर विवरणी दाखिल करने की समय सीमा समाप्त हो गयी है; अथवा
- (ख) रजिस्ट्रीकृत व्यक्ति ने धारा 54 की उपधारा (3) के प्रथम परंतुक के खण्ड (i) के अधीन अप्रयुक्त इनपुट कर प्रत्यय के कारण पिछले वित्तीय वर्ष में प्रतिदाय रकम एक लाख रुपये से अधिक प्राप्त की है; अथवा
- (ग) रजिस्ट्रीकृत व्यक्ति ने धारा 54 की उपधारा (3) के प्रथम परंतुक के खण्ड (ii) के अधीन अप्रयुक्त इनपुट कर प्रत्यय के कारण पिछले वित्तीय वर्ष में प्रतिदाय रकम एक लाख रुपये से अधिक प्राप्त की है; अथवा
- (घ) रजिस्ट्रीकृत व्यक्ति ने उस रकम के लिए इलेक्ट्रॉनिक नकद लेजर के माध्यम से उत्पाद कर के प्रति अपनी देयता का निर्वहन किया है जो चालू वित्तीय वर्ष में उक्त माह तक संचयी रूप से प्रयुक्त कुल आउटपुट कर देयता के 1 प्रतिशत से अधिक है; अथवा
- (ङ) रजिस्ट्रीकृत व्यक्ति होता है—
- (i) सरकारी विभाग; अथवा
- (ii) सार्वजनिक क्षेत्र का उपक्रम; अथवा
- (iii) स्थानीय प्राधिकरण; अथवा
- (iv) सांविधिक निकाय:

परंतु यह भी कि आयुक्त अथवा उसकी ओर से प्राधिकृत कोई अधिकारी ऐसे सत्यापन तथा ऐसे रक्षोपायों जिसे वह उचित समझे, के उपरांत उक्त प्रतिबंध को हटा सकता है।”

10. उक्त नियम में, नियम 138 के, उपनियम (10) में, 01 जनवरी, 2021 से प्रभावी —

- (क) तालिका के स्तंभ 2 में क्रम सं. 1 के सामने शब्द तथा अंक “100 किमी.” के स्थान पर शब्द तथा अक्षर “200 किमी.” को प्रतिस्थापित किया जाएगा;
- (ख) तालिका के स्तंभ 2 में क्रम सं. 2 के सामने शब्द तथा अंक “100 किमी.” के स्थान पर शब्द तथा अक्षर “200 किमी.” को प्रतिस्थापित किया जाएगा;

11. उक्त नियम में नियम 138ड में,—

- (क) खण्ड (ख) में, “दो माह” शब्द के स्थान पर, “दो कर अवधि” शब्द को प्रतिस्थापित किया जाएगा;
- (ख) खण्ड (ग) के उपरांत निम्नलिखित खण्ड को अंतः स्थापित किया जाएगा, अर्थात् :—
- “(घ) एक व्यक्ति, जिसका रजिस्ट्रीकरण नियम 21(क) के उपनियम (1) अथवा उपनियम (2) अथवा उपनियम (2क) के प्रावधानों के अधीन निलंबित कर दिया गया है।”

12. उक्त नियम में प्ररूप जीएसटी आरईजी-30 के पश्चात्, निम्नलिखित प्ररूप अंतः स्थापित किया जाएगा, अर्थात् —

प्ररूप जीएसटी आरईजी-31
[नियम 21क देखें]

सेवा में,
जीएसटीआईएन:
नाम:
पता:

रजिस्ट्रीकरण को निलंबित करने के लिए सूचना और रद्दीकरण के लिए नोटिस निम्नलिखित की तुलना में, यथा,—

- (i) अपने माल एवं सेवाकर अधिनियम, 2017 की धारा 39 के अंतर्गत भरे गए विवरणी;
- (ii) अपने प्ररूप जीएसटीआर-1 में भरे गए बाह्य आपूर्तियां का ब्योरा;
- (iii) अपने आवक आपूर्तियों का ऑटो जनरेटेड ब्योरा, _____ से _____ तक की अवधि से संबंधित;
- (iv) (स्पष्ट करें)

और अन्य उपलब्ध जानकारी के मिलान में निम्नलिखित विसंगति/असंगति का पता चला है:

- ☐ टिप्पणी 1
- ☐ टिप्पणी 2
- ☐ टिप्पणी 3

(करदाता के सुसंगत मानदण्डों के आधार पर भरा जाने वाला ब्योरा)

2. प्रथम दृष्टया विसंगतियों/असंगतियों से यह प्रकट होता है कि इनसे केन्द्रीय माल एवं सेवाकर अधिनियम, 2017 के प्रावधानों और इनके अंतर्गत बनाए गए नियमों का उल्लंघन दर्शित करती है कि यदि इनका संतोषजनक स्पष्टीकरण नहीं मिलता है तो आपके रजिस्ट्रीकृत को रद्दीकरण के लिये दायी होगा।
3. इस बात पर विचार करते हुए कि उपर्युक्त विसंगतियां/असंगतियां इतनी गंभीर हैं और इसे राजस्व संबंधी हित पर गंभीर खतरा पैदा हुआ है अतः क तात्कालिक उपाय के रूप में आपके रजिस्ट्रीकरण को नियम 21क के उपनियम (2क) के अनुसार इस सूचना की तारीख से रद्द कर दिया जाता है।
4. आपसे अनुरोध है कि इस नोटिस की प्राप्ति की तारीख से तीस कार्य दिवस के भीतर अधिकार क्षेत्र वाले कर अधिकारी के पास अपना उत्तर प्रस्तुत कर दें जिसमें उपर्युक्त विसंगति/असंगति के बारे में अपना स्पष्टीकरण दे दें। यदि जीएसटी के सामान्य पोर्टल पर किसी भी व्यक्ति द्वारा किसी भी तरीके से आपके दस्तावेज का दुरुपयोग किये जाने की संभावना हो तो उसको भी विशेष रूप से अधिकार क्षेत्र वाले अधिकारी की जानकारी में लाया जाये।
5. आपके द्वारा प्रस्तुत किये गये कागजातों के साथ-साथ आपके उत्तर से अधिकार क्षेत्र वाला अधिकारी यदि संतुष्ट होता है और अन्य किसी सत्यापन से जिसे उक्त अधिकार क्षेत्र वाला अधिकारी आवश्यक समझता है तो आपके रजिस्ट्रीकरण के आस्थगन को हटाया जा सकता है।
6. आप कृपया यह नोट कर लें कि यदि आप विनिर्दिष्ट अवधि में अपना उत्तर नहीं देते हैं या कोई संतोषजनक उत्तर नहीं देते हैं तो आपके रजिस्ट्रीकरण को रद्द किया जा सकता है।

नाम:

पदनाम:

नोट.—यह एक सिस्टम जनरेटेड नोटिस है और इसके जारी करने वाले प्राधिकारी के हस्ताक्षर की आवश्यकता नहीं है।”

आदेश द्वारा,
हस्ताक्षरित/—
(जगदीश चन्द्र शर्मा),
प्रधान सचिव (आबकारी एवं कराधान)।

टिप्पणी.— मूल अधिसूचना हिमाचल प्रदेश के राजपत्र में संख्या ई0एक्स0एन0—एफ(10)—13/2017, दिनांक 29 जून 2020, को प्रकाशित की गई थी और अधिसूचना सं0 82/2020—राज्य कर, दिनांक 22 दिसंबर, 2020 जो कि हिमाचल प्रदेश के राजपत्र में संख्या ई0एक्स0एन0—एफ(10)—14/2020 दिनांक 30 दिसंबर, 2020, को प्रकाशित की गई थी, द्वारा अंतिम संशोधन किया गया था।

[Authoritative English text of this Department Notification No. EXN-F(10)-4/2020-Vol-I dated 13-01-2021 as required under clause (3) of Article 348 of the Constitution of India]

EXCISE AND TAXATION DEPARTMENT

Notification No. 94/2020-State Tax

Shimla-2, the 13th January, 2021

No. EXN-F(10)-4/2020-Vol-I.—In exercise of the powers conferred by section 164 of the Himachal Pradesh Goods and Services Tax Act, 2017 (10 of 2017), the Governor of Himachal Pradesh, on the recommendations of the Council, is pleased to make the following rules further to amend the Himachal Pradesh Goods and Services Tax Rules, 2017, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Goods and Services Tax (Fourteenth Amendment) Rules, 2020.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Himachal Pradesh Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 8, for sub-rule (4A), with effect from a date to be notified, the following sub-rule shall be substituted, namely:—

“(4A) Every application made under rule (4) shall be followed by—

- (a) Biometric-based Aadhaar authentication and taking photograph, unless exempted under sub-section (6D) of section 25, if he has opted for authentication of Aadhaar number; or
- (b) taking biometric information, photograph and verification of such other KYC documents, as notified, unless the applicant is exempted under sub-section (6D) of section 25, if he has opted not to get Aadhaar authentication done, of the applicant where the applicant is an individual or of such individuals in relation to the applicant as notified under sub-section (6C) of section 25 where the applicant is not an individual, along with the verification of the original copy of the documents uploaded

with the application in **FORM GST REG-01** at one of the Facilitation Centres notified by the Commissioner for the purpose of this sub-rule and the application shall be deemed to be complete only after completion of the process laid down under this sub-rule.”.

3. In the said rules, in rule 9,—

(a) in sub-rule (1),—

(i) after the words “applicant within a period of”, for the word “three”, the word “seven” shall be substituted;

(ii) for the provisos, the following proviso shall be substituted, namely: —

“Provided that where—

(a) a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number; or

(b) the proper officer, with the approval of an officer authorised by the Commissioner not below the rank of Assistant Commissioner, deems it fit to carry out physical verification of places of business, the registration shall be granted within thirty days of submission of application, after physical verification of the place of business in the presence of the said person, in the manner provided under rule 25 and verification of such documents as the proper officer may deem fit.”;

(b) in sub-rule (2), —

(i) for the word “three”, the word “seven” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that where—

(a) a person, other than a person notified under sub-section (6D) of section 25, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8 or does not opt for authentication of Aadhaar number; or

(b) the proper officer, with the approval of an officer authorised by the Commissioner not below the rank of Assistant Commissioner, deems it fit to carry out physical verification of places of business, the notice in **FORM GST REG-03** may be issued not later than thirty days from the date of submission of the application.”;

(c) for sub-rule (5), the following sub-rule shall be substituted, namely:—

“(5) If the proper officer fails to take any action, —

(a) within a period of seven working days from the date of submission of the application in cases where the person is not covered under proviso to sub-rule (1); or

(b) within a period of thirty days from the date of submission of the application in cases where a person is covered under proviso to sub-rule (1); or

- (c) within a period of seven working days from the date of the receipt of the clarification, information or documents furnished by the applicant under sub-rule (2), the application for grant of registration shall be deemed to have been approved.”.

4. In the said rules, in rule 21,—

- (a) in clause (b), after the words “goods or services”, the words “or both” shall be inserted;
- (b) after clause (d), the following clauses shall be inserted, namely:—
- “(e) avails input tax credit in violation of the provisions of section 16 of the Act or the rules made thereunder; or
- (f) furnishes the details of outward supplies in **FORM GSTR-1** under section 37 for one or more tax periods which is in excess of the outward supplies declared by him in his valid return under section 39 for the said tax periods; or
- (g) violates the provision of rule 86B.”.

5. In the said rules, in rule 21A,—

- (a) in sub-rule (2), the words “,after affording the said person a reasonable opportunity of being heard,” shall be omitted;
 - (b) after sub-rule (2), the following sub-rule shall be inserted, namely: —
- “(2A) Where, a comparison of the returns furnished by a registered person under section 39 with—

- (a) the details of outward supplies furnished in **FORM GSTR-1**; or
- (b) the details of inward supplies derived based on the details of outward supplies furnished by his suppliers in their **FORM GSTR-1**, or such other analysis, as may be carried out on the recommendations of the Council, show that there are significant differences or anomalies indicating contravention of the provisions of the Act or the rules made thereunder, leading to cancellation of registration of the said person, his registration shall be suspended and the said person shall be intimated in FORM GST REG-31, electronically, on the common portal, or by sending a communication to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said differences and anomalies and asking him to explain, within a period of thirty days, as to why his registration shall not be cancelled.”;
- (c) in sub-rule (3), after the words, brackets and figure “or sub-rule (2)”, the words, brackets, figure and letter “or sub-rule (2A)” shall be inserted;
- (d) after sub-rule (3), the following sub-rule shall be inserted, namely: —

“(3A) A registered person, whose registration has been suspended under sub-rule (2) or sub-rule (2A), shall not be granted any refund under section 54, during the period of suspension of his registration.”;

(e) in sub-rule (4),—

(i) after the words, brackets and figure “or sub-rule (2)”, the words, brackets, figure and letter “or sub-rule (2A)” shall be inserted;

(ii) the following proviso shall be inserted, namely: —

“Provided that the suspension of registration under this rule may be revoked by the proper officer, anytime during the pendency of the proceedings for cancellation, if he deems fit.”.

6. In the said rules, in rule 22,—

(a) in sub-rule (3), after the words, brackets and figure “the show cause issued under subrule (1)”, the words, brackets, figures and letters “or under sub-rule (2A) of rule 21A” shall be inserted;

(b) in sub-rule (4), after the words, brackets and figure “reply furnished under sub-rule (2)”, the words, brackets, figures and letters “or in response to the notice issued under sub-rule (2A) of rule 21A” shall be inserted.

7. In the said rules, in rule 36, in sub-rule (4), with effect from the 1st day of January, 2021,—

(a) for the word “uploaded”, at both the places where it occurs, the word “furnished” shall be substituted;

(b) after the words, brackets and figures “by the suppliers under sub-section (1) of section 37”, at both the places where they occur, the words, letters and figure “in FORM GSTR-1 or using the invoice furnishing facility” shall be inserted;

(c) for the figures and words “10 per cent.”, the figure and words “5 per cent.” shall be substituted.

8. In the said rules, in rule 59, after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in this rule,—

(a) a registered person shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1**, if he has not furnished the return in FORM GSTR-3B for preceding two months;

(b) a registered person, required to furnish return for every quarter under the proviso to subsection (1) of section 39, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1** or using the invoice furnishing facility, if he has not furnished the return in **FORM GSTR-3B** for preceding tax period;

(c) a registered person, who is restricted from using the amount available in electronic credit ledger to discharge his liability towards tax in excess of ninety-nine per cent of such tax liability under rule 86B, shall not be allowed to furnish the details of outward supplies of goods or services or both under section 37 in **FORM GSTR-1** or using the

invoice furnishing facility, if he has not furnished the return in **FORM GSTR-3B** for preceding tax period.”.

9. In the said rules, after rule 86A, with effect from the 1st day of January, 2021, the following rule shall be inserted, namely:—

“86B. Restrictions on use of amount available in electronic credit ledger.—Notwithstanding anything contained in these rules, the registered person shall not use the amount available in electronic credit ledger to discharge his liability towards output tax in excess of ninety nine per cent of such tax liability, in cases where the value of taxable supply other than exempt supply and zero-rated supply, in a month exceeds fifty lakh rupees:

Provided that the said restriction shall not apply where –

- (a) the said person or the proprietor or karta or the managing director or any of its two partners, whole-time Directors, Members of Managing Committee of Associations or Board of Trustees, as the case may be, have paid more than one lakh rupees as income tax under the Income-tax Act, 1961(43 of 1961) in each of the last two financial years for which the time limit to file return of income under subsection (1) of section 139 of the said Act has expired; or
- (b) the registered person has received a refund amount of more than one lakh rupees in the preceding financial year on account of unutilised input tax credit under clause (i) of first proviso of sub-section (3) of section 54; or
- (c) the registered person has received a refund amount of more than one lakh rupees in the preceding financial year on account of unutilised input tax credit under clause (ii) of first proviso of sub-section (3) of section 54; or
- (d) the registered person has discharged his liability towards output tax through the electronic cash ledger for an amount which is in excess of 1% of the total output tax liability, applied cumulatively, upto the said month in the current financial year; or
- (e) the registered person is —
 - (i) Government Department; or
 - (ii) a public sector undertaking; or
 - (iii) a local authority; or
 - (iv) a statutory body:

Provided further that the Commissioner or an officer authorised by him in this behalf may remove the said restriction after such verifications and such safeguards as he may deem fit.”.

10. In the said rules, in rule 138, in sub-rule (10), with effect from the 1st day of January, 2021,—

- (a) in the Table, against serial number 1, in column 2, for the figures and letters “100 km.”, the figures and letters “200 km.” shall be substituted;

- (b) in the Table, against serial number 2, in column 2, for the figures and letters “100 km.”, the figures and letters “200 km.” shall be substituted.

11. In the said rules, in rule 138E, —

- (a) in clause (b), for the words “two months”, the words “two tax periods” shall be substituted;

(b) after clause (c), the following clause shall be inserted, namely:—

“(d) being a person, whose registration has been suspended under the provisions of subrule (1) or sub-rule (2) or sub-rule (2A) of rule 21A.”.

12. In the said rules, after **FORM GST REG-30**, the following **FORM** shall be inserted, namely—

“FORM GST REG – 31

[See rule 21A]

Reference No.

Date:<DD><MM><YYYY>

To,

GSTIN

Name:

Address:

Intimation for suspension and notice for cancellation of registration

In a comparison of the following, namely,—

- (i) returns furnished by you under section 39 of the Central Goods and Services Tax Act, 2017;
- (ii) outwards supplies details furnished by you in **FORM GSTR-1**;
- (iii) auto-generated details of your inwards supplies for the period _____ to _____;
- (iv) (specify)

and other available information, the following discrepancies/anomalies have been revealed:

- ☐ Observation 1
- ☐ Observation 2
- ☐ Observation 3

(details to be filled based on the criteria relevant for the taxpayer)

2. These discrepancies/anomalies *prima facie* indicate contravention of the provisions of the Central Goods and Services Tax Act, 2017 and the rules made thereunder, such that if not explained satisfactorily, shall make your registration liable to be cancelled.

3. Considering that the above discrepancies/anomalies are grave and pose a serious threat to interest of revenue, as an immediate measure, your registration stands suspended, with effect from the date of this communication, in terms of sub-rule (2A) of rule 21 A.
4. You are requested to submit a reply to the jurisdictional tax officer within thirty days from the receipt of this notice, providing explanation to the above stated discrepancy/anomaly. Any possible misuse of your credentials on GST common portal, by any person, in any manner, may also be specifically brought to the notice of jurisdictional officer.
5. The suspension of registration shall be lifted on satisfaction of the jurisdictional officer with the reply along with documents furnished by you, and any further verification as jurisdictional officer considers necessary.
6. You may please note that your registration may be cancelled in case you fail to furnish a reply within the prescribed period or do not furnish a satisfactory reply.

Name:

Designation

NB.—This is a system generated notice and does not require signature by the issuing authority.”

By order,

Sd/-

(Jagdish Chander Sharma)

Principal Secretary (E&T).

Note.—The principal rules were published in the Gazette of Himachal Pradesh, *vide* notification number EXN-F(10)-13/2017, dated the 29th June, 2017, and last amended *vide* notification No. 82/2020-State Tax, dated the 22nd December, 2020, published in the Gazette of Himachal Pradesh *vide* number EXN-F(10)-14/2020, dated the 30th December, 2020.

आबकारी एवं कराधान विभाग

अधिसूचना संख्या: 95/2020—राज्य कर

शिमला—2, 13 जनवरी, 2021

सं० ई.एक्स.एन.—एफ.(10)—4/2020—वाल—1.—हिमाचल प्रदेश माल और सेवा कर अधिनियम, 2017 (2020 का 10) (जिसे इस अधिसूचना में इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 44 की उप-धारा (1) से साथ पठित हिमाचल प्रदेश माल और सेवा कर नियम, 2017 के नियम 80 (जिसे इसे अधिसूचना में इसके पश्चात् उक्त नियम कहा गया है) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, परिषद की सिफारिशों पर, उक्त अधिनियम की धारा 44 के साथ पठित उक्त नियमों के नियम 80 के अधीन विनिर्दिष्ट वार्षिक विवरणी को, सामान्य पोर्टल के माध्यम से इलेक्ट्रॉनिक रूप से प्रस्तुत करने की समय सीमा को, वित्तीय वर्ष 2019–20 की वार्षिक विवरणी के लिए, 28–02–2021 तक विस्तार करते हैं।

आदेश द्वारा,

हस्ताक्षरित/—

(जगदीश चन्द्र शर्मा),

प्रधान सचिव (आबकारी एवं कराधान।

[Authoritative English text of this Department Notification No. EXN-F(10)-4/2020-Vol-I dated 13-01-2021 as required under clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT

Notification No. 95/2020-State Tax

Shimla-2, the 13th January, 2021

No. EXN-F(10)-4/2020-Vol-I.—In exercise of the powers conferred by sub-section (1) of section 44 of the Himachal Pradesh Goods and Services Tax Act, 2017 (10 of 2017), (hereinafter in this notification referred to as the said Act), read with rule 80 of the Himachal Pradesh Goods and Services Tax Rules, 2017 (hereafter in this notification referred to as the said rules), the Governor of Himachal Pradesh, hereby extends the time limit for furnishing the annual return specified under section 44 of the said Act read with rule 80 of the said rules, electronically through the common portal, for the financial year 2019-20 till 28-02-2021.

By order,
Sd/-
(Jagdish Chander Sharma),
Principal Secretary (E&T).

OFFICE OF THE MUNICIPAL COUNCIL HAMIRPUR

Door-To-Door Garbage Collection & Disposal Bye - Laws 2018

NOTIFICATION

Dated, the 25th November, 2020

No. IJ/Door to Door.—The following Bye-laws made by Municipal Council Hamirpur for regulating The **Door to Door Garbage Collection & Disposal-2018** in exercise of the powers conferred by section 202 and 217 of the Himachal Pradesh Municipal Act, 1994 (Act No. 12 of 1994) read with rule 15 (zf) of the Solid Waste Management Rules, 2016 having been confirmed by State enforcement, as required under section 217 of the aforesaid Acts are hereby published for general information, namely:—

BYE LAWS TO REGULATE DOOR TO DOOR GARBAGE COLLECTION & DISPOSAL OF MUNICIPAL COUNCIL HAMIRPUR.

CHAPTER-I

General

1. Short title and commencement.—(a) These Bye – laws may be called The Door-to-Door Garbage Collection and Disposal bye-laws 2018 of Municipal Council Hamirpur for municipal solid waste management & disposal.

(b) These bye-laws shall come into force on the date of their adoption and publication in the Rajpatra the gazette of Himachal Pradesh Government.

(c) This shall apply to Hamirpur Municipal area.

2. Definitions.—In these rules, unless the context otherwise requires, —

- (A) **“act”** means the Himachal Pradesh Municipal Corporation Act 1994 and Himachal Pradesh Municipal Act, 1994;
- (B) **“bulk waste generator”** means and includes buildings occupied by the Central government departments or undertakings, State government departments or undertakings, local bodies, public sector undertakings or private companies, hospitals, nursing homes, schools, colleges, universities, other educational institutions, hostels, hotels, commercial establishments, markets, places of worship, stadia and sports complexes having an average waste generation rate exceeding 100kg per day;
- (C) **“bye-laws”** means regulatory framework notified by local body, census town and notified area townships for facilitating the implementation of these rules effectively in their jurisdiction;
- (D) **“composting”** means a controlled process involving microbial decomposition of organic matter;
- (E) **“disposal”** means the final and safe disposal of post processed residual solid waste and inert street sweeping sand silt from surface drains on land as specified in Schedule I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;
- (F) **“domestic hazardous waste”** means discarded paint drums, pesticide cans, CFL bulbs, tube lights, expired medicines, broken mercury thermometers, used batteries, used needles and syringes and contaminated gauge, etc., generated at the household level;
- (G) **“door to door garbage collection”** means collection of solid waste from the door step of households, shops, commercial establishments, offices, institutional or any other non-residential premises and includes collection of such waste from entry gate or a designated location on the ground floor in a housing society, multi storied building or apartments, large residential, commercial or institutional complex or premises;
- (H) **“dry waste”** means waste other than bio-degradable waste and inert street sweepings and includes recyclable and non-recyclable waste, combustible waste and sanitary napkin and diapers, etc;
- (I) **“dump sites”** means a land utilised by local body for disposal of solid waste without following the principles of sanitary land filling;
- (J) **“fine/penalty”** means penalty imposed on waste generators or operators of waste processing and disposal facility sunder the bye-laws for non-compliance of the directions contained in these or bye- laws;
- (K) **“municipality”** means the municipal Council Hamirpur at of Himachal Pradesh.
- (L) **“non-biodegradable waste”** means any waste that cannot be degraded by microorganisms into simpler stable compounds;

- (M) **"sanitary land filling "** means the final and safe disposal of residual solid waste and inert wastes on land in facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, greenhouse gas emissions, persistent organic pollutants slope instability and erosion;
- (N) **"sanitary waste"** means wastes comprising of used diapers, sanitary towels or napkins, tampons, condoms, incontinence sheets and any other similar waste;
- (O) **"schedule"** means the schedule indicating the rate in respect of sign boards;
- (P) **"secondary storage"** means the temporary containment of solid waste after collection at secondary waste storage depots or MRFs or bins for onward transportation of the waste to the processing or disposal facility;
- (Q) **"segregation"** means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non-biodegradable wastes including recyclable waste, non recyclable combustible waste, sanitary waste and non-recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes;
- (R) **"service provider"** means an authority providing public utility services like water, sewerage, electricity, telephone, roads, drainage, etc;
- (S) **"user fee/charge"** means a fee imposed by the local body and any entity mentioned in rule on the waste generator to cover full or part cost of providing solid waste collection, transportation, processing and disposal services;
- (T) **"waste picker/Collector"** means a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets, bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.

Words and expressions used herein but not defined, but defined in the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, Water (Prevention and Control of Pollution) Cess Act, 1977 and the Air (prevention and Control of Pollution) Act, 1981, Himachal Pradesh Corporation Act, 1994, Himachal Pradesh Municipal Act, 1994 and Solid Waste Management Rules, 2016 shall have the same meaning as assigned to them in the respective Acts and Rules.

CHAPTER-II

Management of Municipal Solid waste

3. Municipal Solid Waste Management.—The Municipal Council Hamirpur shall establish an integrated Solid Waste Management (SWM) system with an aim to reduce the amount of waste being disposed, while maximizing resources recovery and efficiency. The preferred waste management system shall focus on the following points, namely:—

I. Reduction and reuse at source.—The most preferred option for Solid Waste Management shall be prevention of waste generation. It will be helpful in reducing the handling,

treatment, and disposal costs and specially reduce various environmental impacts such as leachate, air emissions and generation of greenhouse gases.

II. Waste recycling.—Recovery of recyclable material resources through a process of segregation, collection and re-processing to create new products shall be the next preferred alternative.

III. Composting.—As far as possible the organic fraction of waste shall be composted and used to improve soil health and agricultural production adhering to norms.

IV. Waste-to-Energy.—Where material recovery from waste is not possible, energy recovery from waste through production of heat, electricity or fuel may be preferred. Bio-methanation, waste incineration, production of Refuse Derived Fuel (RDF) and co-processing of the sorted dry rejects from municipal solid waste are to be commonly adopted “Waste to Energy” technologies.

V. Waste disposal.—Remaining residual waste, which ideally comprises of inerts, shall be disposed in sanitary landfills constructed in accordance with stipulations of the Solid Waste Management Rules, 2016.

VI. The Integrated Solid Waste Management system shall be environment friendly. Waste minimization, waste recycling, waste-to-energy strategies and landfill gas capture and use which are promoted in the Solid Waste Management Rules, 2016 shall be adopted for reduction of greenhouse gases.

CHAPTER-III

Municipal Solid Waste Collection & Transportation

4. Segregation & Primary Storage of Municipal Solid waste.—(a) It will be prime responsibility of every waste generator/citizen to segregate the waste generated by them in three separate streams namely bio-degradable, non-bio-degradable and domestic hazardous wastes in suitable covered bins and handover segregated wastes to authorised waste pickers or waste collectors designated by ULBs or Agency Hired by ULBs once a day or at the frequency as decided by respective local body on the timing fixed by the service provider. Every citizen has to pay a fixed monthly rental for the services of door to door garbage collection.

(b) Waste generators shall be encouraged to segregate waste and store at source in three separate colour bins i.e. green- for biodegradable waste, blue - for non- biodegradable, red- for domestic hazardous waste.

(c) All institutions with more than 5,000 sqm area shall, within one year from the date of notification of these bye-laws and in partnership with the Municipal Council Hamirpur ensure segregation of waste at source by the generators, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the Municipal Council Hamirpur.

(d) No person shall organise an event or gathering of more than one hundred persons at any unlicensed place without intimating the Municipal Council Hamirpur, at least three working days in advance and such person or the organiser of such event shall ensure segregation of waste at source and handing over of segregated waste to waste collector or agency as specified by the Municipal Council Hamirpur.

(e) Used sanitary waste are to be securely wrapped as and when generated in the pouches provided by the manufacturers or brand owners of these products or in a newspaper or suitable biodegradable wrapping material and place the same in the bin meant for non- biodegradable waste or dry waste.

(f) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the Municipality.

(g) Store separately construction and demolition waste, as and when generated, in his own premises and shall dispose off as per the Construction and Demolition Waste Management Rules, 2016.

(h) Bulk waste generators of garden and horticulture waste like park, stadium etc. shall store separately in their premises and dispose of the same as may be prescribed by the Municipal Council Hamirpur from time to time.

(i) No untreated bio-medical waste, e-waste, hazardous chemicals and industrial waste shall be mixed with municipal solid waste and such waste shall follow the rules specifically separately specified for the purpose.

(j) Every waste generator has to ensure that there is no practice of burning or burying the solid waste generated by him, throwing on streets/ open public spaces outside his premises or in the drain or water bodies.

(k) Littering of waste on streets /open space/ water bodies /drain shall be fined on the spot. On iterative they will be punishable and can subjected to court as per rule.

(l) Time to time awareness generation campaigns should be organised to motivate people. RWA (Resident Welfare Association), Local NGOs, representative of public association and elected local member should be involved in the programme to motivate citizen.

5. Primary Collection of Municipal Solid Waste.—(a) Each and every house in the city/ town should approached for the primary collection of waste by means of wheel barrow, push cart, tricycle, small auto tipper depending on the size of road available;

(b) Municipal Council Hamirpur to arrange for daily door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises. From multi-storage buildings, large commercial complexes, malls, housing complexes, etc., this may be collected from the entry gate or any other designated location;

(c) Municipal Council Hamirpur to establish a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste;

(d) Municipal Council Hamirpur to facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration of informal waste pickers in solid waste management including door to door collection of waste;

(e) Municipal Council Hamirpur to collect separately waste from sweeping of streets, lanes and by-lanes daily, or on alternate days or twice a week depending on the density of population, commercial activity and local situation;

(f) Municipal Council Hamirpur to collect horticulture, parks and garden waste separately and process in the parks and gardens, as far as possible;

(g) Time for the door to door collection services will have to fixed by the concern ULBs. Generally timing should to be between 6:00 A.M. to 9:00 A.M. For proper waste collection vehicle such as tricycle, auto tipper used for door to door garbage collection should be equipped with Alarm with audible decibel fixed as per the rules and timing should be strictly followed by the sanitation workers;

(h) For door to door garbage collection from commercial complex, offices and secondary bins timing should be between 9:00 A.M. to 11:00 A.M.;

(i) For proper solid waste management & grievance redress Municipal Council/Nagar Panchayat should set up small office/ centre in each ward of their boundaries;

(j) Under door to door services user charge for collection should be formulated on the following criteria:—

| Sl. No | Category of User | User Charge on monthly basis (INR) |
|--------|--|--|
| 1. | Household | 60 |
| 2. | Household | 100 |
| 3. | Commercial Complex (Dhabba, sweet shop, coffee houses, provisional stores). | 350 |
| 4. | Pan Shop | 80 |
| 5. | Tea Shop | 80 |
| 6. | Shops (Daily needs, cloths) | 100 |
| 7. | Vegetables & fruits shops (Wholesale) | 1000 |
| 8. | Vegetables & fruits shops (Retails) | 250 |
| 9. | Sweet/snacks shop (Big) | 400 |
| 10. | Offices (2 rooms) | 100 |
| 11. | Offices (3-5 rooms) | 250 |
| 12. | Offices (6-10 rooms) | 1000 |
| 13. | Offices (11-20 rooms) | 2000 |
| 14. | Offices (more than 20 rooms) | 2000 for 20 rooms + 100 per additional room. |
| 15. | Bank | 500 |
| | Bank Floor Area >1000 sq. feet | 750 |
| 16. | Govt. Schools | 100 |
| 17. | Private Schools up to 100 students on producing student's enrolment certificate. | 500 |
| 18. | Private Schools (more than 100 students) | 1500 |
| 19. | Bakeries (small) | 500 |

| | | |
|-----|---|--|
| 20. | Bakeries (manufacturing units) | 1200 |
| 21. | PG Hostel/Guest House (upto 10 rooms) | 500 |
| 22. | PG Hostel/Guest House (11 - 20 rooms) | 1500 |
| 23. | PG Hostel/Guest House (21 - 30 rooms) | 2500 |
| 24. | PG Hostel/Guest House (more than 30 rooms) | 2500 for 30 rooms + 500 per additional room. |
| 25. | Dharamsala | 550 |
| 26. | Factories (Manufacturing unit) other than notified in any other category. | 1500 |
| 27. | Workshop (Tyre puncture shop) | 100 |
| 28. | Workshop (repair shop) | 250 |
| 29. | Workshop (repair + spare parts shop) | 500 |
| 30. | Workshop (vehicle showroom, repair + spare parts) | 750 |
| 31. | Workshop (those not touching any NH or SH) | 300 |
| 32. | Restaurants | 1500 |
| 33. | Restaurants + Bar | 1700 |
| 34. | Cinema Hall (Theatre, multiples) | 1500 |
| 35. | Govt. College | 1000 |
| 36. | Private College | 1500 |
| 37. | Hospital/Nursing Home (upto 50 beds) | 1500 |
| 38. | Hospital/Nursing Home (51-100 beds) | 2000 |
| 39. | Hospital/Nursing Home (more than 100 beds) | 2000 + 250 per additional bed |
| 40. | Clinics | 150 |
| 41. | Clinics with medicines shops | 250 |
| 42. | Chemist shop | 200 |
| 43. | Laboratory | 200 |
| 44. | Banquet Hall/Hotel | 2000 & 2000 per trip on demand |
| 45. | Special Hotels more than 50 Rooms | 15000 & 2000 per trip on demand |
| 46. | Vehicle on demand for Dumper | 3000 per trip |
| 47. | Big Malls | 2000 per floor |
| | | |
| 48. | Meat Shops (other than subscribed with chicken waste collection vehicle). | 500 |
| 49. | Confectionary + Veg .Shop | 250 |
| 50. | Scrap Dealers | 400 |
| 51. | Street Vendor | 100 |
| 52. | Cow Dung from cattle at households | 350 |
| 53. | Any other establishment(s) not mentioned above | To be decided by ULB |

Note.—User charge as prescribed above can be revised by the ULB time to time keeping in view the polluter pay principal to meet the operation and maintenance cost of the services under Solid waste management.

(k) User charge mentioned above for door to door services needs to be collected from each and every household & other establishments of all the wards in the municipal boundaries of the ULBs. Users charge decided above, contact person's name & number needs to be conveyed to general public through different media such as display on the vehicles used for these services, hoardings, pamphlets etc. Also, awareness generation campaigns need to be organised;




(l) No manual loading or unloading of waste in compactor should be practised with open hand or without safety measure as per the Solid Waste Management Rules, 2016.

6. Secondary Storage of Municipal Solid Waste.—Municipality by their own or with help of Agency hired needs to develop storage bins/ secondary storage points for the collection of waste generated in the town, they will also be responsible to monitor the condition of these bins so that no filthy or unhygienic condition develops around. While establishing or monitoring secondary storage bins following precaution needs to be taken care.

(a) Storage/Secondary storage bins should be designed and develop on the basis of the quantity of waste generated, density of population in the notified municipal boundaries. Minimum distance between two bins should be 500 meters and within radius of 1 Km maximum numbers of bins should limited up to 5. Established bins must be covered with movable lid and must be approachable/ connected with metallic or non-metallic road.

(b) Bins provided by Municipal Council Hamirpur or any hired agency should be designed in such a manner so that waste disposed in does not get scattered in open atmosphere and it should be artistic in nature so that it motivates people to dispose their waste in the bins not in open.

(c) Bins placed at designated place by Municipal Council Hamirpur at or any hired agency should motivate people to practice waste segregation and it should be placed as per Solid Waste Management Rule, 2016 having colour coding for different types of waste.

| | | | |
|---|-------|---|--|
|  | Green | : | Biodegradable waste (Food Waste, garden waste) |
|  | Blue | : | Non-Biodegradable waste |
|  | Red | : | Hazardous or toxics waste |

(d) Well-designed Vehicle like auto Tipper/Compactor should be used for the purpose of transportation of waste and evacuating the bins.

(e) All the cooperative society, residential welfare association/ society, institutional organisation will be responsible to place suitable quantity of bins approved by the Municipal Council Hamirpur the fixed place in their compound so that waste generated from there can be stored properly and collected from time to time by the municipal vehicle. User charge for these services fixed by the ULBs should be collected by the authorised person of local body.

(f) It will be prime responsibility of all the waste generators/citizens to store and sell/handover the recyclable waste to the Rag pickers/Kabadi wala or person/organisation designated by the Municipal Council Hamirpur. They have to ensure that no such waste is being disposed on the road/ drain/secondary storage bins/ open space.

(g) Door to door garbage collection, secondary storage bins, collection & transportation, processing of waste and disposal of waste in sanitary land fill site, all these services will be provided by Municipal Council Hamirpur or any hired agency. ULBs will charge user fee for all these services and violator will be fined on the spot or punished and can be subjected to court as per rule.

(h) Waste from the slaughter house, fish market, fruit & vegetable market is biodegradable in nature, so proper storage facility should be designed so that no health hazard spreads from this & facility for composting should be developed to make use of such waste in generating organic manure from it. For ensuring proper disposal of such waste every generator have to ensure best

storage facility and segregation of such waste at source and door to door collection should be practiced by ULBs to collect 100% of such waste and take to processing plant. On Violation, waste generator should be fined on the spot or punished and can be subjected to court as per rule.

(i) Municipal Council Hamirpur have to establish waste deposition centres for domestic hazardous waste and give direction for waste generators to deposit domestic hazardous wastes at this centre for its safe disposal. Such facility shall be established in a city or town in a manner that one centre is set up for the area of twenty square kilometres or part thereof and notify the timings of receiving domestic hazardous waste at such centres.

(j) Bio medical & industrial waste should not be mixed with municipal waste and such waste should be stored and disposed separately as per the rules applicable. For the disposal of bio-medical waste common Biomedical Waste treatment facility (CBMWTF) should be developed in each ULB either separately or on the cluster basis. By paying the fixed user fee such waste can be easily disposed off.

(k) Construction and demolition waste should be stored separately as and when generated, in his/her own premises and shall be disposed off as per the Construction and Demolition Waste Management Rules, 2016. ULBs should fix user charge for transportation and disposal of C&D waste and generator should dispose this waste by paying the charge as per the rules and at the designated place. Disposing of such waste in open space, road side, common place will be treated as illegal and fined as per the rules.

(l) Gardening/Horticultural waste should also be stored separately at source. ULBs should fix a day or two in week and some place where generator should give their waste and from there it should be transported to disposal site.

(m) Dry leaves, plastic and other such waste should not be burnt in open, doing such activity will be treated as illegal and punishable, violator should be fined as per the rules.

(n) Stray animal should be restricted from roaming in and around the waste disposal site & secondary storage bins or any public place in the town.

(o) Every citizen, institutions, office buildings, commercial complexes has to ensure that there is no open discharge of grey water, black water or any other such polluted water in drain, open space or on road which can spread health issues, doing such activity will be treated as illegal and punishable as per the rules.

(p) No person should dispose dead animal or any such material in open space, road side, community park or any other place which can spread pollution and health issues, doing such activity will be treated as illegal and punishable as per the rules.

(q) Municipal Council Hamirpur have to set up covered secondary storage facility for temporary storage of street sweepings and silt removed from surface drains in cases where direct collection of such waste into transportation vehicle is not convenient. Waste so collected shall be collected and disposed of at regular intervals as decided by the local body.

(r) Municipal Council Hamirpur can develop bins free solid waste management facility but for this 100% waste collection from the door step of the generator should be ensured.

7. Secondary Collection & Transportation of Municipal Solid Waste.—(a) Each storage bins/ secondary storage bins should be attended daily by the help of auto tipper, tractor, compactor etc.

(b) Closed vehicle should be used for the transportation of waste. To reduce the frequency of loading and unloading of waste compactor should be used.

(c) Municipal Council Hamirpur will have to ensure safe storage and transportation of the domestic hazardous waste to the hazardous waste disposal facility.

(d) Transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for onsite processing of such waste.

(e) Transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility. Ensure transportation of construction and demolition waste as per the provisions of the Construction and Demolition Waste Management Rules, 2016.

CHAPTER-IV

Municipal Solid Waste Processing & Disposal

8. Waste Processing Plant.—Municipal Council Hamirpur with help of State Pollution Control Board approval needs to develop solid waste management / processing plant to make use of daily generated biodegradable waste so that it can reduce the quantity of waste being disposed at the sanitary land fill site.

(a) Municipal Council Hamirpur have to collect waste from vegetable, fruit, flower, meat, poultry and fish market on day to day basis and promote setting up of decentralised compost plant or bio-methanation plant at suitable locations in the markets or in the vicinity of markets ensuring hygienic conditions.

(b) Involve communities in waste management and promotion of home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygienic conditions around the facility.

(c) For processing of biodegradable waste Municipal Council Hamirpur have to establish waste processing plant such as composting plant -windrow compost plant, vermin composting plant, waste to energy or any other such technology by their own or with help of any other licensed company/firm/organisation on Build-operate - transfer (BOT)/object oriented (OO) method.

(d) For processing of mixed recyclable waste Municipal Council Hamirpur to establish recycling unit such as incineration, RDF Plant or other such recycling technology by their own or with help of any other licensed company/firm/organisation on Build – operate-transfer (BOT)/object oriented (OO) method.

(e) Municipality may also send the non-biodegradable/dry waste as RDF to nearby cement factories for co-processing.

9. Waste Disposal.—(a) Municipal Council Hamirpur have to stop land filling or dumping of mixed waste soon after the timeline for setting up and operationalisation of sanitary landfill is over.

(b) Municipal Council Hamirpur have to allow only the non-usable, non-recyclable, non-biodegradable, non-combustible and non-reactive inert waste and pre-processing rejects and residues from waste processing facilities to go to sanitary landfill.

(c) Sites shall meet the specifications as given in Schedule-I of Solid Waste Management Rules, 2016, however, every effort shall be made to recycle or reuse the rejects to achieve the desired objective of zero waste going to landfill.

(d) Municipal Council Hamirpur have to investigate and analyse all old open dumpsites and existing operational dumpsites for their potential of biomining and bio-remediation and where so ever feasible, take necessary actions to bio-mine or bio-remediate the sites.

(e) Municipal Council Hamirpur to ensure that in absence of the potential of bio-mining and bio-remediation of dumpsite, it shall be scientifically capped as per land fill capping norms to prevent further damage to the environment.

CHAPTER-V

Monitoring by Ward Committee

Constitution of Ward Sanitation Committee.—A Ward Sanitation Committee shall be constituted in each ward of the Municipal Council Hamirpur. The Ward Sanitation Committee shall have 11 to 15 members. The members of the WSC would comprise of ward member, sanitary inspector, tax collector or a designated officer by Municipal Council Hamirpur for each ward, representatives of Residential Welfare Associations (RWAs) of the ward, representatives from slum sanitation committee, representatives of Community Based Organisations (SHGs, youth club etc.), local leaders, senior citizens etc. The Ward Sanitation Committee shall oversee the sanitation activity in the ward.

CHAPTER-VI

Stakeholder's Responsibilities

10. Responsibilities of various stakeholders :

10.1 Responsibilities of Waste Generators.—(a) No waste generator shall throw the waste generated by him on the street, open spaces, drain or water bodies.

(b) No person shall let the dirty water, mud, night soil, cow dung, urine, polluted water from their own house, organisation, commercial establishments to accumulate in their own compound nor let it flow on common streets in a way that the environment gets polluted by foul smell or poses a threat to public health.

(c) To wrap securely used sanitary waste as and when generated in a newspaper or suitable bio-degradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste.

(d) All citizens shall have the responsibility to dispose of the recyclable waste generated in their complexes to the waste pickers authorised by the Municipal Council/Nagar Panchayat or waste collector or containers of the Municipal Council/Nagar Panchayat and not put it on the road under any circumstances.

(e) All waste generators shall pay user fees as specified in these bye-laws.

(f) No waste generator shall throw, burn or bury the solid waste generated by him on streets, open public spaces outside his premises or in the drain or water bodies,

(g) No dead animals or their remains to be thrown in any public places or any such place, which create any kind of pollution.

(h) If any person is found violating activities prohibited for doing, fine charges shall be collected from the offender by the Municipal Council Hamirpur

10.2 Responsibility of Ward Sanitation Committee.—(a) The Ward Sanitation Committee shall oversee the sanitation and cleanliness activities in ward.

(b) The Ward Sanitation Committee shall act as a grievances redressal point on sanitation issues at ward level.

(c) The Ward Sanitation Committee shall have the power to impose fine on any offender and also have the power to waive of penalties.

(d) The Ward Sanitation Committee will promote home composting, bio-gas generation, decentralised processing of waste at community level subject to control of odour and maintenance of hygiene around the facility.

(e) The Ward Sanitation Committee will give warning to any offenders of these bye-laws. After two warning by the Ward Sanitation Committee or the Municipal Council Hamirpur, penalty shall be collected from the violator as per the provisions of these bye-laws.

10.3 Responsibility of the Municipal Council Hamirpur.—(a) The Municipal Council Hamirpur shall within its territorial area, be responsible for ensuring daily and throughout the year system of cleaning of all common roads, places, temporary settlements, slums, areas, markets, its own parks, gardens, tourist spots, cemeteries and shall be bound to collect the garbage from the nearest declared storage containers, and transport it every day to the final disposal point in closed vehicles for which the municipal authority may engage private parties on contract or Public Private Partnership mode, apart from its own permanent cleaning staff and vehicles.

(b) The Municipal Council Hamirpur or the authorized agency engaged by the Municipal Council Hamirpur shall provide and maintain suitable community bins on public roads or other public spaces.

(c) The Municipal Council Hamirpur for the purpose of managing such sanitation activities in decentralised and regular manner shall designate one ward officer, in every ward to supervise the spots of containers, public toilets, community toilets or urinals in public places, transfer station for public garbage, landfill processing units etc. for final disposal of city's garbage.

(d) The designated ward officer by the Municipal Council Hamirpur shall also be a member of the concerned Ward Sanitation Committee which shall act as the first point of grievance redressal on sanitation issues of the concern ward and meet complaints of citizens on issues of sanitation.

(e) The Municipal Council Hamirpur shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or

through any agency for optimum utilisation of various components of solid waste adopting suitable technology including the technologies and the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board.

(f) The Municipal Council Hamirpur shall create awareness through Information, Education and communication (IEC) campaign and educate the waste generators on minimal generation of waste, not to litter, re-use the waste to the extent possible, practice segregation of wet bio-degradable waste, dry recyclable and combustible waste and domestic hazardous waste at source, wrap securely used sanitary waste as and when generated in a newspaper or suitable bio-degradable wrapping material and place the same in the domestic bin meant for non-biodegradable waste, storage of segregated waste at source and payment of monthly user fee.

(g) Chemical fertilizers shall be replaced by use of compost in all parks, gardens maintained by the Municipal Council Hamirpur and any other places within two years of notification.

(h) Promote recycling initiatives by informal waste recycling sector.

(i) The Municipal Council Hamirpur shall make efforts to streamline and formalize Solid Waste Management systems and endeavour that the informal sector workers in waste management (rag pickers) are given priority to upgrade their work conditions and are enumerated and integrated into the formal system of Solid Waste Management in cities.

(j) Ensure that the operator of a facility provides personal protection equipment including uniform, fluorescent jacket, hand gloves, raincoats, appropriate foot wear and masks to all workers handling solid waste and the same are used by the workforce.

(k) Ensure occupational safety of the Municipal Council Hamirpur own staffs and staffs of outsource agency involved in collection, transport and handling waste by providing appropriate and adequate personal protective equipment's.

(l) In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the officer-in-charge of the facility shall report to the Municipal Council/Nagar Panchayat immediately which shall review and issue instructions if any, to the in-charge of the facility.

CHAPTER-VII

Prosecution & Penalties

11. Prosecution :

- I. Prosecution can be made on violation of above said rules Under Municipal Solid Waste Management rules, 2016, Himachal Pradesh Council/Nagar Panchayat Act, 1994 and Environmental Protection Act, 1986. Even the prosecution can be made on the official/workers responsible for implementing so called services under the above said Bye-laws if they are not performing their task or delaying their responsibility to implement the services.
- II. Whosoever contravenes the provision of above said Bye-laws shall be in addition to the penalties already mentioned under any act/rules/ laws/bye-laws for time being in force

would be liable for disconnection of water supply, electricity and other civic amenities and the Executive Officer/Secretaries of the ULB may request the competent authorities to withdraw any other services if granted in favour of Institution/ Commercial Establishment/person committing the offence.

12. Penalties :

On the violation of above said municipal Bye-laws fixed penalties are as below:

| Sl. No | Offence | Municipal Council Hamirpur |
|--------|---|-------------------------------|
| 1. | Littering by People of residential colony | Rs. 500 per day |
| 2. | Open dumping by shopkeepers | Rs. 1000 per day |
| 3. | Littering/open dumping by restaurants owners | Rs. 2000 per day |
| 4. | Littering/open dumping by Hotel Owners | Rs. 2000 per day |
| 5. | Littering/open dumping by Industries | Rs. 5000 per day |
| 6. | Street Vendor like fast-food, chat, ice-cream, juice corner etc. | Rs. 250 per day |
| 7. | Open defecation/ urination in public place | Rs. 500 per offence committed |
| 8. | Disposal of dung in open space/public place | Rs. 2000 per day |
| 9. | Disposal of construction & demolition waste in open space/road side/public place by resident | Rs. 2000 per day |
| 10. | Littering of waste like dung, construction & demolition waste on road while transporting through private tractor/vehicle. | Rs. 2000 per day |
| 11. | Disposal of waste water from house in non-authorized place | Rs. 2000 per day |
| 12. | Disposal of sewer in non-authorized place | Rs. 5000 per day |
| 13. | Not keeping of closed dust bins in adequate number & quantity by owners mention from Sl. No 2-6. | Rs. 5000 per day |
| 14. | Spilling of Oil, Dust, water & other material by road side Motar, Bike, Bicycle repair mechanics. | Rs. 1000 per day |
| 15. | Disposal of Skin, feather, blood, flash or any other material of animal(s) by shopkeeper. | Rs. 2000 per day |
| 16. | Littering by pet animals like dogs, cow, etc. on road side/ open space/ community place. | Rs. 1000 per day |
| 17. | Littering or disposal of waste in front of Marriage hall, community place, exhibition hall, Mela ground. | Rs. 5000 per day |
| 18. | Encroachment of Road for by Dhabas or any other such shop and disposing of waste on road side, open space. | Rs. 1000 per day |
| 19. | Encroachment of Road for by fruit, vegetable local vendor and disposing of waste on road side, open space. | Rs. 250 per day |
| 20. | Encroachment of Road Hair cutting salon and disposing of waste on road side, open space. | Rs. 250 per day |
| 21. | Encroachment & Disposal of construction & demolition waste in open space/road side/public place by Business man, shopkeepers. | Rs. 5000 per day |
| 22. | Disposal of waste by Private Nursing home/hospital, Clinics, Dispensaries on road side, open space. | Rs. 5000 per day |
| 23. | Non-Segregation of waste at source | |

| | | |
|------|---|--|
| i. | Residents | Rs. 250 for first offence and Rs. 500 for second & subsequent offences in a month. |
| ii. | Shopkeepers | Rs. 500 for first offence and Rs. 1000 for second & subsequent offences in a month. |
| iii. | Restaurants owners | Rs. 1000 for first offence and Rs. 2000 for second & subsequent offences in a month. |
| iv. | Hotel Owners | Rs. 1500 for first offence and Rs. 2500 for second & subsequent offences in a month. |
| | | |
| v. | Industrial Establishment | Rs. 3000 for first offence and Rs. 5000 for second & subsequent offences in a month. |
| vi. | Sweets, snacks, fast food. Ice-creams, sugarcane & other juice and vegetables vendor carts. | Rs. 250 for first offence and Rs. 500 for second & subsequent offences in a month. |

13. Repeal/Contradict:

- ✓ Once these bye-laws come into force any other rules, bye-laws, policy with regard to this matter adopted by any ULB will be considered as disaffirm.
- ✓ Any work done or scheme implemented under any previous rules/bye-laws will not be impugn unless until it is just opposite or completely contrary to the action to be taken under the above said bye-laws.

By order,
Sd/-
Executive Officer,
Municipal Council,
Distt. Hamirpur (H.P).

**THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA**

NOTIFICATION

Shimla, the 30th January, 2021

No.HPERC-F(1)-1/2021.—Whereas section 61 of the Electricity Act, 2003 (36 of 2003), provides that the Appropriate Commission shall specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the National Tariff Policy formulated under the said Act;

AND WHEREAS the Himachal Pradesh Electricity Regulatory Commission has framed the HPERC (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011 and has determined the tariff for the distribution licensee *i.e.* HPSEBL for the 2nd, 3rd & 4th MYT Control Periods from 2011 to 2014, 2014 to 2019 & 2019 to 2024;

AND WHEREAS it has become necessary.—

- (a) to review the existing provisions to align them with the change in the National Tariff Policy, 2016, change in methodologies of the Central Commission,
- (b) to address certain gaps and discrepancies in the regulations;

AND WHEREAS the Himachal Pradesh Electricity Regulatory Commission is making an exercise to determine the tariff for distribution licensee for the 2nd Annual Performance Review (APR) for the 4th control period starting from 1st April, 2021 and keeping in view the regulatory developments after making of the aforesaid regulations and also the experience gained over the period, the National Tariff Policy and methodologies of the Central Commission, amongst others, it has also felt necessary to amend/ modify the existing regulations;

NOW, THEREFORE, in exercise of the powers conferred by clauses (zd), (ze) and (zf) of sub-section (2) of section 181, read with sections 61, 62 and 86, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Himachal Pradesh Electricity Regulatory Commission makes the following amendments to the HPERC (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011, published in the Rajpatra, Himachal Pradesh, dated 2nd April, 2011, namely:—

REGULATIONS

1. Short title and commencement.—(1) These regulations may be called Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) (Fourth Amendment) Regulations, 2021.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Substitution of regulation 22.—For existing regulation 22 of the said regulations, the following regulation 22 shall be substituted, namely:—

“22. Interest Charges on Working Capital.—Rate of interest on working capital to be computed as provided hereinafter in these regulations shall be on normative basis and shall be equal one (1) Year State Bank of India (SBI) MCLR/any replacement thereof as notified by RBI for the time being in effect applicable for one (1) Year period, as may be applicable as on 1st April of the Financial Year in which the Petition is filed plus 300 basis points. The interest on working capital shall be payable on normative basis notwithstanding that the licensee has not taken working capital loan from any outside agency or has exceeded the working capital loan including rate of interest based on the

normative figures. The Commission shall calculate working capital requirement for wheeling and retail supply business in accordance with these regulations to arrive at working capital requirement of distribution licensee.”

2. In 1. Appendix: Depreciation Schedule table after S. No. (O), following S. No. (P) shall be added as under:—

| Sl. No. | Asset Class | Useful Life (Years) | Rate (%) |
|---------|----------------------------------|---------------------|----------|
| “(P)” | IT equipments including software | 7 | 15 |

Note:—

- (i) In case the useful life of a particular asset is less than the useful life prescribed under these regulations, then the useful life of such particular asset shall be considered as per the Companies Act, 2013 and subsequent amendment thereto.
- (ii) IT equipments including software have been allowed to be depreciated upto 100%. Therefore, the rate of depreciation for the 7th year shall be 10%.”

By the order of the Commission,

Sd/-

Secretary.

ब अदालत श्री चरन दास कपूर, सहायक समाहर्ता द्वितीय श्रेणी बैजनाथ,
जिला कांगड़ा (हि0 प्र0)

श्री Satish Kumar s/o Sh. Dagu Ram, r/o Village Pantehar, P.O. Ghirtholi, तहसील बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

बनाम

आम जनता ग्राम पंचायत चौबीन

प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

श्री Satish Kumar s/o Sh. Dagu Ram, r/o Village Pantehar, P.O. Ghirtholi, तहसील बैजनाथ, जिला कांगड़ा (हि0 प्र0) ने इस अदालत में प्रार्थना—पत्र गुजारा है कि उसकी पत्नी Sakeena Devi d/o Sh. Ram Dass, r/o V.P.O. Chobin का जन्म दिनांक 16-02-1968 को महाल चौबीन में हुआ था, जोकि सम्बन्धित पंचायत/नगर पंचायत के रिकार्ड में पंजीकृत न है।

अतः इस इशतहार के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर/एतराज हो तो वह दिनांक 24-02-2021 को सुबह 10.00 बजे

इस न्यायालय में असालतन या वकालतन हाजिर आकर पेश कर सकता है, अन्यथा उपरोक्त जन्म एवं मृत्यु का पंजीकरण करने के आदेश दे दिए जाएंगे। उसके उपरान्त कोई एतराज न सुना जाएगा।

आज दिनांक 21-01-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता द्वितीय श्रेणी,
बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

ब अदालत श्री चरन दास कपूर, सहायक समाहर्ता द्वितीय श्रेणी बैजनाथ,
जिला कांगड़ा (हि0 प्र0)

श्रीमती Rita Kumari w/o Sh. Deep Kumar, r/o V.P.O. Majherna, तहसील बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

बनाम

आम जनता नगर पंचायत बैजनाथ-पपरोला

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

श्रीमती Rita Kumari w/o Sh. Deep Kumar, r/o V.P.O. Majherna, तहसील बैजनाथ, जिला कांगड़ा (हि0 प्र0) ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके लड़के Himanshu s/o Sh. Deep Kumar, r/o V.P.O. Majherna का जन्म दिनांक 10-07-2003 को महाल मझैरना में हुआ था, जोकि सम्बन्धित पंचायत/नगर पंचायत के रिकार्ड में पंजीकृत न है।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर/एतराज हो तो वह दिनांक 26-02-2021 को सुबह 10.00 बजे इस न्यायालय में असालतन या वकालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म एवं मृत्यु का पंजीकरण करने के आदेश दे दिये जायेंगे। उसके उपरान्त कोई एतराज न सुना जायेगा।

आज दिनांक 21-01-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता द्वितीय श्रेणी,
बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

ब अदालत कार्यकारी दण्डाधिकारी, बन्जार, जिला कुल्लू (हि0 प्र0)

किस्म मुकद्दमा.—राजस्व रिकार्ड में नाम दुरुस्त करने बारे।

श्रीमती वीरू देवी पत्नी श्री जेटू निवासी गांव धार, डाकघर तांदी, तहसील बन्जार, जिला कुल्लू, (हि0 प्र0) ने बमय शपथ-पत्र इस कार्यालय/न्यायालय में प्रार्थना-पत्र इस आशय से गुजारा है कि प्रार्थिनी

का नाम राजस्व रिकार्ड में गीरू देवी लिखा गया है, जो कि गलत है। जबकि प्रार्थिनी का नाम वीरू देवी है जो कि सही है। इसे दुरुस्त करवाना चाहती है।

इस सम्बन्ध में इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को प्रार्थिनी का नाम राजस्व रिकार्ड में गीरू देवी की जगह वीरू देवी करने बारे कोई आपत्ति हो तो वह दिनांक 20-02-2021 तक असालतन व वकालतन अदालत हजा में आकर अपनी आपत्ति दर्ज करें। तारीख गुजरने के बाद किसी भी प्रकार का एतराज मान्य न होगा तथा एकतरफा कार्यवाही अमल में लाई जाकर दुरुस्ती के आदेश पारित किए जाएंगे।

आज दिनांक 20-01-2021 को मेरे हस्ताक्षर व कार्यालय मोहर द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी,
बन्जार, जिला कुल्लू, हि0 प्र0।

ब अदालत कार्यकारी दण्डाधिकारी, बन्जार, जिला कुल्लू (हि0 प्र0)

किस्म मुकद्दमा.—राजस्व रिकार्ड में नाम दुरुस्त करने बारे।

श्रीमती लाली देवी पत्नी श्री प्रताप सिंह, निवासी गांव सिधवां, डाकघर व तहसील बन्जार, जिला कुल्लू (हि0 प्र0) ने बमय शपथ-पत्र इस कार्यालय/न्यायालय में प्रार्थना-पत्र इस आशय से गुजारा है कि प्रार्थिनी का नाम राजस्व रिकार्ड में लता देवी लिखा गया है, जो कि गलत है। जबकि प्रार्थिनी का नाम लाली देवी है जो कि सही है। इसे दुरुस्त करवाना चाहती है।

इस सम्बन्ध में इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को प्रार्थिनी का नाम राजस्व रिकार्ड में लता देवी की जगह लाली देवी करने बारे कोई आपत्ति हो तो वह दिनांक 20-02-2021 तक असालतन व वकालतन अदालत हजा में आकर अपनी आपत्ति दर्ज करें। तारीख गुजरने के बाद किसी भी प्रकार का एतराज मान्य न होगा तथा एकतरफा कार्यवाही अमल में लाई जाकर दुरुस्ती के आदेश पारित किए जाएंगे।

आज दिनांक 20-01-2021 को मेरे हस्ताक्षर व कार्यालय मोहर द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी,
बन्जार, जिला कुल्लू, हि0 प्र0।

ब अदालत कार्यकारी दण्डाधिकारी द्वितीय श्रेणी, बन्जार, जिला कुल्लू (हि0 प्र0)

श्री बुधि सिंह पुत्र श्री वली राम, निवासी गांव टिलरू, डाकघर चनौन, तहसील बन्जार, जिला कुल्लू, (हि0 प्र0)

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म/मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी श्री वुधि सिंह ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फिया इस आशय से गुजारा है कि उसकी माता स्व० श्रीमती वालदासी पत्नी श्री वली राम की मृत्यु तिथि 01-06-2014 हुई है, जो कि ग्राम पंचायत चनौन, तहसील बंजार, के अभिलेख में दर्ज न है और जिसे प्रार्थी अब दर्ज करवाना चाहता है।

इस सम्बन्ध में सर्वसाधारण को सूचित किया जाता है कि प्रार्थी की माता स्व० श्रीमती वालदासी पत्नी श्री वली राम की मृत्यु की तिथि 01-06-2014 ग्राम पंचायत चनौन के अभिलेख में दर्ज करने में यदि किसी को कोई आपत्ति हो तो वह दिनांक 20-02-2021 तक असालतन व वकालतन अदालत हजा में आकर अपनी आपत्ति दर्ज करें। बाद गुजरने तारीख के किसी भी प्रकार का एतराज मान्य न होगा तथा एकतरफा कार्यवाही अमल में लाई जाकर मृत्यु तिथि का इन्द्राज करने के आदेश पारित किए जाएंगे।

आज दिनांक 20-01-2021 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी द्वितीय श्रेणी,
बन्जार, जिला कुल्लू (हि० प्र०)।

ब अदालत कार्यकारी दण्डाधिकारी द्वितीय श्रेणी, बन्जार, जिला कुल्लू (हि० प्र०)

श्री अनिल कुमार पुत्र श्री रोशन लाल, निवासी गांव सुहालगा, डाकघर कलवारी, तहसील बन्जार, जिला कुल्लू (हि० प्र०)

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म/मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त प्रार्थी श्री अनिल कुमार ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय ब्यान हल्फिया इस आशय से गुजारा है कि उसकी माता स्व० श्रीमती कमला देवी पत्नी श्री रोशन लाल की मृत्यु तिथि 07-09-2013 है, जो कि ग्राम पंचायत कलवारी, तहसील बन्जार के अभिलेख में दर्ज न है और जिसे प्रार्थी अब दर्ज करवाना चाहता है।

इस सम्बन्ध में सर्वसाधारण को सूचित किया जाता है कि प्रार्थी की माता स्व० श्रीमती कमला देवी पत्नी श्री रोशन लाल की मृत्यु तिथि 07-09-2013 ग्राम पंचायत कलवारी के अभिलेख में दर्ज करने में यदि किसी को कोई आपत्ति हो तो वह दिनांक 20-02-2021 तक असालतन व वकालतन अदालत हजा में आकर अपनी आपत्ति दर्ज करें। बाद गुजरने तारीख किसी भी प्रकार का एतराज मान्य न होगा तथा एकतरफा कार्यवाही अमल में लाई जाकर मृत्यु तिथि का इन्द्राज करने के आदेश पारित किए जाएंगे।

आज दिनांक 20-01-2021 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी द्वितीय श्रेणी,
बन्जार, जिला कुल्लू (हि० प्र०)।

**In the Court of Shri Gurmit G. Negi, Executive Magistrate (Tehsildar) Solan,
District Solan (H. P.)**

In the matter of :

Sh. Akshay Kumar s/o Sh. Kishore Babu, r/o near Sugandha Apartment, Asha Grah Awas,
Plot No. 10, First Floor, Flat No. 2, Saproon, Solan, Tehsil & District Solan, Himachal Pradesh
.. Applicant.

Versus

General Public

.. Respondent.

Application under section 13(3) of Birth and Death Registration Act, 1969.

Sh. Akshay Kumar s/o Sh. Kishore Babu, r/o near Sugandha Apartment, Asha Grah Awas, Plot No. 10, First Floor, Flat No. 2, Saproon, Solan, Tehsil & District Solan, Himachal Pradesh has moved an application before the undersigned under section 13(3) of Birth & Death Registration Act, 1969 alongwith affidavit and other documents for entering the date of birth of his son namely Naman Pratap Singh i.e. 14-08-2017 at home AIB Devbhoomi Apartment, Deonghat, Solan, Tehsil & District Solan but his date of birth could not be entered in the record of Municipal Council Solan.

Therefore, by this proclamation, the general public is hereby informed that any person having any objection(s) for the registration of delayed date of birth of Naman Pratap Singh s/o Sh. Akshay Kumar, r/o near Sugandha Apartment, Asha Grah Awas, Plot No. 10, First Floor, Flat No. 2, Saproon, Solan, Tehsil & District Solan, may submit their objection in writing or appear in person in this court on or before 27-02-2021 at 10.00 A.M. failing which no objection will be entertained after expiry of date.

Given under my hand and seal of the court on this 28th day of January, 2021.

Seal.

GURMIT G. NEGI,
Executive Magistrate (Tehsildar),
Solan, District Solan (H. P.).

नाम परिवर्तन

मैं, नीलम देवी पत्नी श्री संजीव कुमार, निवासी गांव रूटैहण, डाकघर बड़ा, तहसील नादौन, जिला हमीरपुर (हि० प्र०) यह घोषणा करती हूँ कि मेरे बच्चों के शैक्षणिक प्रमाण-पत्रों में मेरा नाम गलती से नीलम हो गया है, जबकि मेरा सही नाम नीलम देवी है, नोट करें।

नीलम देवी,
पत्नी श्री संजीव कुमार, निवासी गांव रूटैहण, डाकघर बड़ा,
तहसील नादौन, जिला हमीरपुर (हि० प्र०)।

नाम परिवर्तन

मैं, संजीव कुमार सुपुत्र श्री जय लाल, निवासी गांव रूटैहण, डाकघर बड़ा, तहसील नादौन, जिला हमीरपुर (हि0 प्र0) यह घोषणा करता हूं कि मेरे बच्चों के शैक्षणिक प्रमाण-पत्रों में मेरा नाम गलती से संजीव दर्ज हो गया है, जबकि मेरा सही नाम संजीव कुमार है, नोट करें।

संजीव कुमार,
सुपुत्र श्री जय लाल, निवासी गांव रूटैहण, डाकघर बड़ा,
तहसील नादौन, जिला हमीरपुर (हि0 प्र0)।